



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

October 12, 2004

WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201
US

Dear Sir/Madam,

Your refund request for 10733181 in the amount of \$172.00 has been denied.

There was not enough money to pay all the claims. there were 8 Independent claims x 86.00 = \$430.00. you paid \$258.00 and we needed the \$172.00 to make up the difference.

Sincerely,

ELEANOR KURTZ
Technical Center Others
703 308-3642

Practitioner's Docket No.

M122-2899

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PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

H. Montgomery Manning

Application No.: 10/733,181

Group No.: 2812

Filed: December 10, 2003

Examiner: unknown

For: "Semiconductor Constructions, and Methods of Forming Capacitor Devices"

Assistant Commissioner for Patents and Trademarks
P.O. Box 1450, Mail Stop 16, Alexandria VA 22313-1450

ATTENTION: Refund Section, Accounting Division, Office of Finance

**REQUEST FOR REFUND
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)****I. RETURN OF REFUND REQUEST**

This is a request for a refund, with respect to the debit to Deposit Account 23-0925, shown on the statement dated August 20, 2004 for the above-identified application.

A copy of the monthly statement, in which the error referred to occurs, accompanies this request.
A copy of the Preliminary Amendment, Remarks Section dated August 9, 2004, accompanies this request.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents and Trademarks, Washington, D.C. 20231.

FACSIMILE

- transmitted by facsimile to the Patent and Trademark Office. 703-308-5077

Signature

Rhonda G. Rambo

(Type or print name of person certifying)

(Request for Debit (Improper Credit of Deposit Account) — page 1 of 2)

4 Total Pages

Date: 23 August 2004

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II. FEES CHARGED FOR WHICH REFUND IS REQUESTED

	AMOUNT OF REFUND REQUESTED
Improper charge for	\$172.00
TOTAL REFUND REQUESTED	\$172.00

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

On August 9, 2004 we filed a Preliminary Amendment to patent application number 10/733,181 filed on December 10, 2003. At the time of filing the Preliminary Amendment, applicant believed that no fee was due for including the claim to benefit of the earlier filing date of application 10/656,732 in the present application at the present time under 37 C.F.R. § 1.78(a)(2)(ii) in that the claim for benefit of the earlier filing date is being submitted within 16 months of the September 4, 2003 filing of the priority application 10/656,732.

Therefore, no fee is believed to be required. Please credit Deposit Account No. 23-0925 with the above fee amount.

IV. MANNER OF REFUND

Please Credit Account No. 23-0925.

Date: 8/23/04

David G. Latwesen, Ph.D.
Reg. No. 38,533
Wells St. John P.S.
601 West First Ave., Suite 1300
Spokane, WA 99201-3828
Tel. No.: (509) 624-4276
Customer No.: 021567



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Deposit Account Statement

Requested Statement Month:

AUGUST 2004

Deposit Account Number:

220821

Name:

WELLS ST JOHN PS

Attention:

RICHARD RAMBO

Address:

601 WEST FIRST AVENUE SUITE 1300

City:

SPOKANE

State:

WA

Zip:

99201-3817

DATE SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
08/02 1	6720114		1811	\$100.00	\$15,194.00
08/02 1	10014310	32120-DIV	1201	\$86.00	\$15,108.00
08/02 8	09588314	059440/0128	2201	\$172.00	\$14,936.00
08/02 9	09588314	059440/0128	2202	\$36.00	\$14,900.00
08/06 6	10298159	PY2-028	1201	\$86.00	\$14,814.00
08/09 87	10912256		9204	-\$476.00	\$15,290.00
08/10 7	P109287		1460	\$130.00	\$15,160.00
08/12 33	SUBSCRIPTION		8001	\$6.00	\$15,154.00
08/13 1242	1290540	CA11-101	7205	\$100.00	\$15,054.00
08/13 1243	1290540	CA11-101	7201	\$400.00	\$14,654.00
08/16 45	10916825	MI22-2454	1202	\$202.00	\$14,452.00
08/16 47	10916825	MI22-2454	1201	\$86.00	\$14,366.00
08/16 467	78467502	COBALT	7001	\$670.00	\$13,896.00
08/16 474	78467509	COBALT2	7001	\$670.00	\$13,026.00
08/16 1209	78467954	IT2-140	7001	\$335.00	\$12,691.00
08/16 1231	78467971	IT2-143	7001	\$335.00	\$12,356.00
08/16 1258	78467979	IT2-142	7001	\$335.00	\$12,021.00
08/17 49	6707088		1811	\$100.00	\$11,921.00
08/18 2	10017557	MI22-1883	1811	\$100.00	\$11,821.00
08/19 349	2183685	WA23-154	7205	\$200.00	\$11,621.00
08/19 350	2183685	WA23-154	7208	\$400.00	\$11,221.00
08/20 1	10733181	MI22-2295	1201	\$172.00	\$11,049.00
08/20 1	8633717	TE2-074	1811	-\$100.00	\$11,149.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$15,294.00	\$4,721.00	\$576.00	\$11,149.00

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Claims 2, 6, 7, 22 and 30 are canceled; claims 1, 3-5, 8, 9, 11, 12, 23-25, 31 and 38 are amended; and claims 1, 3-5, 8-21, 23-29 and 31-91 are pending in the application.

The specification is amended to correct several minor errors, and also to indicate that the present application is a continuation-in-part of U.S. Pat. Application Serial No. 10/656,732. Submitted herewith is a new declaration of the inventors indicating that the present application is a continuation-in-part of U.S. Pat. Application Serial No. 10/656,732.

Applicant believes that no fee is due for including the claim to benefit of the earlier filing date of application 10/656,732 in the present application at the present time under 37 C.F.R. §1.78(a)(2)(ii) in that the claim for benefit of the earlier filing date is being submitted within 16 months of the September 4, 2003 filing of the priority application 10/656,732.

The drawings are amended to correct several minor errors. Specifically, drawing sheets 6 and 10-12 have been amended. The amendments are shown in annotated sheets provided herewith, and also provided herewith are replacement sheets which Applicant respectfully requests be entered in place of the originally-submitted sheets 6 and 10-12.

Applicant respectfully requests entry of the amendments submitted herewith, and examination of the pending claims.

Respectfully submitted,

Dated: 8/9/04

By:



David G. Letwesen, Ph.D.
Reg. No. 38,533

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